

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2708 OF 2004

Crompton Greaves Ltd.

..Petitioner

Versus

R.C. Ingle & Ors.....Respondents

Mr. K.D.Naik i/b. Surjeet P. Salkar, for the Petitioner

Mr. R.D. Bhat, for the Respondents.

CORAM: F.I. REBELLO, J.

DATE :11th October, 2004

P.C.:

. Rule. Heard forthwith. The petitioners had entered into a settlement with the recognised union. That settlement also covered the respondent Nos. 1 and 2. At the time of settlement there was a reference pending being Reference (IT) No.64 of 1997 which included the claim for regularisation of Respondent Nos. 1 and 2. An award was passed in terms of the settlement on 21st February, 2004. The Award has been published in August, 2004.

2. In the meantime the respondent Nos. 1 and 2 filed a complaint being (ULP) No.187 of 2004 based on the settlement contending that the petitioners herein had not enforced the settlement and consequently guilty of unfair labour practice. That complaint is dated 9th March, 2004 before the publication of the award..

3. On behalf of the petitioners their learned Counsel contends that there was no question of enforcing the settlement as the award was published only in August, 2004 and, therefore, the complaint as filed was not maintainable. It is further submitted that the petitioners are willing to

implement the Award.

4. Learned Counsel on taking instructions states that the two respondents can report to duty on 18th October, 2004 in the 1st shift at Kanjur Marg factory complex to Mr. M.M. Shaikh, Deputy General Manager,(Personnel).

. The respondent Nos. 1 and 2 accept the same, but contend that their contention that they are entitled to be taken in employment from 1st December, 2001 should be left open.

5. Considering the above, the following order;-

(i) The Complaint (ULP) No.187 of 2004 will stand disposed of as withdrawn with liberty to the respondent Nos. 1 and 2 to file a fresh complaint, if in law they are so advised. It will then open to the respondents herein to raise all contentions which are available in law. A copy of this order be placed in the original complaint, for the court to pass final order in terms set out herein.

(ii) The respondent Nos. 1 and 2 will report on 18th October, 2004 in the 1st shift as mentioned above and they will be allowed to work. Naturally they will be entitled to pay and wages which in normal course they would be entitled to and also other benefit of other service conditions.

Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)